

104  
AN AMENDMENT IN THE NATURE OF A  
SUBSTITUTE TO H.R. 927

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Y 4. IN 8/16:C 89/9

An Amendment in the Nature of a Sub...

JP

BEFORE THE  
SUBCOMMITTEE ON  
THE WESTERN HEMISPHERE  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

**H.R. 927**

**Cuban Liberty and Democratic Solidarity  
(LIBERTAD) Act of 1995**

MARCH 22, 1995

Printed for the use of the Committee on International Relations



SEP 12 1995

U.S. GOVERNMENT PRINTING OFFICE

91-595 CC

WASHINGTON : 1995

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For sale by the U.S. Government Printing Office  
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402  
ISBN 0-16-047342-X



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# AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 927

WEDNESDAY, MARCH 22, 1995

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 2:11 p.m., in room 2172, Rayburn House Office Building, Hon. Dan Burton (chairman of the subcommittee) presiding.

Mr. BURTON. The subcommittee will come to order.

The subcommittee meets in open session to consider H.R. 927, the "Cuban Liberty and Democratic Solidarity Act." This bill was introduced on February 14, 1995, and was referred to the Subcommittee on the Western Hemisphere. The chair has prepared an amendment in the nature of a substitute that has been shared with the members of the subcommittee. We will move that amendment as we begin debate on the bill.

Before we begin the formal process of considering this bill, I have a few comments. I will then recognize other members of the subcommittee for general comments.

I would like to welcome everybody to our markup on the Cuban Liberty and Democratic Solidarity Act of 1995. We believe that this legislation will contribute significantly to the advancement of democracy and freedom in Cuba. This bill was introduced last month, along with its companion bill in the Senate which was introduced by Senator Helms. It has wide bipartisan support and the administration has indicated that it is genuinely supportive.

We will continue to discuss with the administration those issues upon which there may be some disagreement. We look forward to the administration's full and formal support.

Today, we will be marking up an amendment in which there will be a substitute which incorporates minor technical changes to the original. The thrust of the legislation remains the same. It is three major parts.

Title I aims mainly at the enforcement and strengthening of sanctions against the brutal Castro regime. It also strengthens TV Marti. Title II involves support for a real democratic transition in Cuba. And Title III imposes penalties on foreigners who traffic confiscated U.S. property; and creates a right of action in U.S. courts for U.S. citizens who have had their property confiscated.

We hope that this legislation will move expediently through the full committee and House floor action, as well as passage by the Senate. It is our intention to keep the heat on Fidel Castro, to keep

our faith with the people of Cuba, and to keep our commitment to promote democracy in this hemisphere. The number one objective of this committee is and will continue to be to have a free and democratic Cuba established without a dictatorship.

And with that, I will be happy to yield to my good friend, Mr. Menendez, for his opening remarks.

Mr. MENENDEZ. Mr. Chairman, I want to commend you for bringing this legislation so quickly to consideration. We share with you the belief that our mutual goal, which is creating a free and independent Cuba, and an opportunity for the Cuban people to so have and enjoy that possibility is further moved by this legislation.

I am happy to see that you have included in your bill that part of Title II, which is that part of the bill that we have been working on for the last 2 years, and creating a transition in Cuba and assisting the people of Cuba in sending a beacon of light to the people of Cuba in terms of assistance to them as they move to a transition to a democratic government, and ultimately to a democratically elected government.

And in order not to delay the process any further, we look forward to voting with you on this piece of legislation.

Mr. BURTON. Thank you. I will now recognize the gentlelady from Florida.

Ms. ROS-LEHTINEN. Well, thank you, Mr. Chairman. Just a quick note also to congratulate you for your great leadership in moving this bill through the process. We hope to get it before the full committee shortly, and then, of course, to the floor before the summer. And the Senate, of course, is going to be moving on this bill in May, as you pointed out to us in our last hearing.

I continue to be concerned about the number of U.S. businesses that are involved in trips to Cuba to buildup supposedly good relations post-Castro. Yet they seem to be quite involved in building up those relationships now, and I know that our committee is taking a hard look at those companies and how the negotiations that are taking place between those businesses and the Castro regime, and we hope that the administration will work with us in making sure that we are not making an end-run there on the embargo.

Also, I would like to encourage the administration to work with us so that we can move this bill along. We know that they have certain reservations, but we notice that there is still no amendments in front of us today. That once again we say we are willing to cooperate, and we hope that that process moves along.

But if not, we will, I am sure, continue our efforts to get this bill on the floor, and because this sends a very optimistic, hopeful message to the enslaved people of Cuba that our committee and the members of the U.S. Congress care very deeply about the repression and the oppression that they have to live with day in and day out; and that we will do our part to making sure that that dictator is replaced with a free and democratic government. We hope that that day will come very soon. And I thank you for your leadership, Mr. Chairman, in speeding that day along.

Mr. BURTON. Thank you, Ms. Ros-Lehtinen.

I would just say that we have talked with the administration. So far they have not pointed out any real problems they have with the bill. They have reserved judgment on a few sections of it, but I do



not anticipate any real problem. If we have any administration people here today, I hope they will convey our thanks to the administration for being cooperative.

Mr. Wynn.

Mr. WYNN. Thank you, Mr. Chairman. But in the interest of time I will not make an opening statement at this time.

I would like to reserve the right to enter a statement in the record at a later time.

Mr. BURTON. Without objection.

Mr. WYNN. Thank you, Mr. Chairman.

Mr. BURTON. Do we have anyone else?

Mr. KING. Thank you, Mr. Chairman.

I want to at the outset commend the chairman of the subcommittee for the leadership he has shown. And also I would like to express a particular thanks to Congresswoman Ros-Lehtinen and Congressman Menendez who have an acute awareness and sensitivity to the tremendous hardships and sufferings endured by the people of Cuba.

I am proud to be a cosponsor of this bill, and I look forward to its passage because I think it is absolutely imperative, not just in America's national interest, but for international morality and decency, that we have a free and democratic Cuba and that Castro no longer be allowed to impose his iron will on the suffering people of Cuba.

Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Representative King.

Representative Ballenger, you have an opening statement?

Mr. BALLENGER. I do not.

Mr. BURTON. All right. I will now ask the subcommittee Staff Director to report H.R. 927.

Mr. KAPEN. H.R. 927, Cuban Liberty and Democratic Solidarity Act.

Section 1, Short Title: Table of Contents.

(a) Short Title—This Act may be cited as the "Cuban Liberty and Democratic Solidarity Act of 1995."

(b) Table of Contents—The table of contents—

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to move that the bill be considered as read.

Mr. BURTON. Without objection, the bill is considered as read.

Before I get into the actual marking up of the bill, let me just make two brief comments.

First of all, I want to thank the committee staff for all their hard work in putting this together, and it has taken a lot of time, and I think there has been some heartache involved as well.

But I also want to thank those organizations outside the hallowed halls of Congress who have worked so hard to help bring about this legislation, to get it passed, and to send a very, very strong signal to Fidel Castro that his days are numbered. And two of those organizations I would like to mention are the Cuban American Foundation. They have worked very, very hard to assist us. The Vallederas Foundation has also worked with us to try to craft this legislation. There have been other Cuban organizations who have worked with us. And to all of them I want to say thank you very, very much for your hard work and continued effort to make

sure that one day we can all visit Havana without experiencing the problems that dictatorships cause, and that the people of Cuba will be free, truly free.

The Chair will lay before the subcommittee an amendment in the nature of a substitute, which the Staff Director will report.

Mr. KAPEN. The amendment offered by Mr. Burton. Strike all after the enacting clause and insert in lieu thereof the following:

Mr. BURTON. Without objection the amendment will be considered as read.

[The amendment of Mr. Burton appears in the appendix.]

Mr. BURTON. The amendment in the nature of a substitute is now open to amendment at any point.

Are there any amendments to the substitute?

Mr. TORRICELLI. Mr. Chairman.

Mr. BURTON. Mr. Torricelli.

Mr. TORRICELLI. I have an amendment on page 42.

Do you have it? I do not know if the members have it.

Mr. BURTON. Do any of the other members have a copy of the amendment? Would you hand it down to them, please.

Mr. BURTON. Let me have the Staff Director report the amendment.

Mr. KAPEN. Amendment to the amendment in the nature of a substitute to H.R. 927 offered by Mr. Torricelli.

Page 42, (1)(3) insert the following: (I) Allowing the establishment of an independent trade union as set forth in section 8798, National Labor Organization, allowing the establishment of independent social, economic and political associations.

[The amendment of Mr. Torricelli appears in the appendix.]

Mr. BURTON. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. TORRICELLI. Thank you, Mr. Chairman.

Mr. Chairman, on page 42 in section I, the legislation calls for allowing the establishment of independent labor movement in Cuba. I have simply adjusted the language to take the same provision of the United States as used previously in our confrontations with dictators, and calling for a free labor movement by taking the language that has been used in international conventions.

And this way those who would distinguish between the Cuban embargo and what we experienced in South Africa, Rhodesia, or a host of other embargoes, would lose the opportunity to see a distinction. This is the same language, with the same purpose, against the same kind of despotic regime.

I think rhetorically it puts us on a stronger foundation and clearly has us in concert with international labor standards.

Mr. BURTON. Is there further discussion on the amendment?

My staff and I have read the amendment. We think the amendment has a great deal of merit and will add to the bill. I would like to once again thank Representative Torricelli for all of his hard work on this legislation and previous legislation.

Further discussion on the amendment?

If not, the Chair will put the question on the amendment. As many as favor the amendment, say aye.

[Chorus of ayes.]

Mr. BURTON. Those opposed?

[No response.]

Mr. BURTON. The amendment is carried.  
Are there further amendments?

Representative—

Mr. MENENDEZ. Mr. Chairman, I have an amendment which I believe has been distributed.

Mr. BURTON. Do we have copies of Mr. Menendez' amendment? The Staff Director will report the amendment.

Mr. KAPEN. The amendment to the amendment in the nature of a substitute offered by Mr. Menendez.

Add the following at the end of section 102(e), violations under—

Mr. MENENDEZ. Mr. Chairman, I would move that the amendment be considered as read.

Mr. BURTON. Without objection.

[The amendment of Mr. Menendez appears in the appendix.]

Mr. BURTON. The gentleman is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Chairman, the amendment that I am offering removes a loophole available to groups and individuals who blatantly violate U.S. law. The loophole has the effect of nullifying the civil penalties available against violators under the Cuban Democracy Act. A similar provision does not exist for any of our other embargoes currently in place in North Korea, Libya, Iraq, Serbia and Angola, and we simply seek to make the Cuban embargo consistent with all of the others.

With this amendment, we continue to allow the wide range of activities permitted under the Cuban Democracy Act as Congressman Torricelli wrote, but with this difference. Henceforth, we will be able to ensure that those who genuinely seek to provide material and other assistance to the Cuban people will be enabled to do so. But those who seek to aid Fidel Castro, in flagrant violation of U.S. law, will not be able to do so.

I believe that the amendment will also save us a significant amount of money in the process as OFAC, the Office of Foreign Asset Control has told us, in terms of their difficulties in pursuing this part of the law, and I think that the combination of making sure that we remove a loophole that exists, that we strengthen the possibilities to make sure that people get the help they need, but at the same time those who are not really helping the Cuban people can be pursued by OFAC and saving money at the same time.

It is a worthy amendment and I ask my colleagues to be supportive of it.

Mr. BURTON. The Chair and the staff has reviewed the amendment and find that it is very meritorious and will add to the legislation. We support it.

Is there further discussion on the amendment?

If not, the Chair will put the question.

All those in favor will demonstrate by saying aye.

[Chorus of ayes.]

Mr. BURTON. Those opposed?

[No response.]

Mr. BURTON. The amendment passes.

Are there further amendments?

Mr. WYNN. Mr. Chairman.

Mr. BURTON. Mr. Wynn.

Mr. WYNN. Thank you, Mr. Chairman.

I do not have an amendment but I do have a question if I might be permitted to inquire as to whether any representatives from the administration is present?

Mr. BURTON. Are there any members of the administration present?

I do not see any, Mr. Wynn.

Mr. WYNN. OK. Well, thank you, Mr. Chairman.

I would like to note that I had a question regarding two terms that are used in the bill. One is a transition government in Cuba, and the other is a democratically elected government in Cuba, and there seem to be some differences in both those definitions.

And should this bill, and I assume it will, get before the full committee, I would like to pursue that issue.

But I have no further comment or question at this time. Thank you.

Mr. BURTON. The transition government is one that we are going to work with during the transition period between the dictatorship that Castro now forces upon the people of Cuba and the democracy which we hope to see achieved.

The democratic government, which we will be assisting, will be the one that is formed after the Cubans through this process and have a constitution and free elections.

Mr. WYNN. That certainly makes sense to me. My question that I would direct to the administration would be whether the definitions or explanations that are contained in the body are consistent with U.S. policy with regard to how those terms are defined. But I do not see that there is a problem for today's markup.

Mr. BURTON. I would just say that we had a hearing last week, and I think you attended.

Mr. WYNN. I was present.

Mr. BURTON. We asked the administration to give us any questions or concerns that they had about the legislation. Our staff met with them over the last 2 to 3 days and we have found no problems with this language.

Mr. WYNN. Well, that being the case, I am sure there will not be any problems when we get to full committee. Thank you.

Mr. BURTON. Thank you.

Are there further amendments?

The Chair hearing none will proceed on with the bill as amended.

Mr. TORRICELLI. Mr. Chairman, is it your intention to proceed immediately to vote?

Mr. BURTON. It is unless there are further amendments.

Mr. TORRICELLI. May I be recognized for a moment?

Mr. BURTON. I would be happy to recognize the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, first, you deserve the thanks and congratulations for bringing this legislation forward on such an expedited basis.

Second, I simply want to add that I trust all those who follow events in Cuba will note that this committee is not simply moving

to strengthen the embargo, but we have done in the opening days of this Congress on a bipartisan basis, with no internal opposition.

For those who continue to believe that there is division in the U.S. Government over policy to Cuba, there is remarkably little division. There are those who think that the embargo has reached its strength and we are beginning to lessen our determination, nothing could be further from the truth.

This legislation adds upon the actions of this committee 2 years ago in strengthening the U.S. embargo. It is the clearest signal I know that we have no intention of changing our policy or compromising our principle. There is going to be a free election in Cuba. The people of Cuba are going to change their government. They are going to have an opportunity to choose their own leaders. And until they do, this country will remain resolute with our embargo.

I am also convinced, Mr. Chairman, based on the hearing that you chaired last week, that not only will this House and the Senate pass this legislation, but indeed I was impressed by the favorable testimony from the Clinton administration.

The administration has offered to work with us in what I hope will prove to be very minor modifications that will allow the President to sign this legislation.

So to the international business community that would invest in Cuba in stolen American assets, they should begin to accept the reality that this legislation is going to become the law, and they are going to have to choose between those stolen assets and access to the United States.

People who import Cuban sugar will have to deal with the reality of continuing to have market access to the United States. And those within Cuba who are deciding whether or not to take a stand against the dictatorship should also start to recognize the larger principle that things are not getting better with the United States; they are getting worse. And that means the need to take a stand is all the greater.

In any case, Mr. Chairman, I trust that people will see not simply that we have passed this legislation, but the means, the speed and the unity with which we do so is a very powerful signal.

I thank you.

Mr. BURTON. Thank you, Mr. Torricelli.

Mr. WYNN. Mr. Chairman.

Mr. BURTON. Mr. Wynn.

Mr. WYNN. Mr. Chairman, I would like to commend you on your strong and decisive efforts on this issue, and I think there is a consensus, as was indicated, against the Castro regime and the conditions that they have imposed on the people of Cuba.

At the same time there is a sentiment, I think, in this country that questions of access by family members to visit their family members who reside in Cuba remains a question of some concern. Also, the ability of family members who want to provide financial assistance to relatives residing in Cuba continues to be an issue.

Having said that, I would only indicate that perhaps at the full committee level we could explore the extent to which this legislation might accommodate those concerns.



Other than that, Mr. Chairman, again I just reiterate my appreciation for your efforts.

Mr. BURTON. Thank you, Mr. Wynn.

Further comments?

If not, let me end by saying the embargo allows medical supplies and food stuffs to get into Cuba. We understand that there are some hardships that have been caused by the embargo. That was intended in order to put pressure on the Castro government to leave power and to allow free and democratic elections.

As we are pressuring the Cuban Government, Fidel Castro, and his brother Raul, we want to make sure there was no lack of humanitarian aid to the Cuban people who really need it. The Cuban Democracy Act, sponsored by my colleague, Mr. Torricelli, dealt with that, so I do not think this issue is a big problem.

One other thing I would like to comment on before we put the bill to a vote, is that I was very impressed, like Mr. Torricelli, last week, when the administration showed support for much of what we are trying to do. The only disturbing thing that I have seen has been reports in the newspapers that some people in the administration over the past few months have talked about lifting various parts of the embargo. I do not think that is productive, especially when the administration, the State Department and the Congress seems to agree that we want to put more pressure on Castro until we get free and democratic Cuban elections.

I think my colleagues, both Democrats and Republicans, would agree that anyone who is a loose cannon in the administration should listen to what the President has said, and has written to us. He supports the embargo. Dissenters should also listen to what the State Department has been saying when they testify before this committee and the full International Relations Committee.

I want to commend the entire committee for their hard work on this piece of legislation. We will be sending it to the full committee. We will be contacting Mr. Gilman, Chairman of the International Relations Committee, to expedite this legislation as quickly as possible, and get it to the floor for a vote.

If there are no further amendments, the Chair will put the question on the amendment in the nature of a substitute.

As many are in favor will say aye.

[Chorus of ayes.]

Mr. BURTON. Those opposed will say no.

[No response.]

Mr. BURTON. The ayes have it, and the amendment is agreed to. The Chair will now recognize—

Mr. WYNN. Mr. Chairman, request a vote on that.

Mr. BURTON. You would like to have a recorded vote?

Mr. WYNN. Yes, please.

Mr. BURTON. The gentleman has requested a recorded vote. The staff will call the role.

Mr. KAPEN. Mr. Burton.

Mr. BURTON. Aye.

Mr. KAPEN. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Aye.

Mr. KAPEN. Mr. Ballenger.

Mr. BALLENGER. Aye.

Mr. KAPEN. Mr. Smith.

[No response.]

Mr. BURTON. Mr. Gallegly.

[No response.]

Mr. KAPEN. Mr. King.

Mr. KING. Aye.

Mr. KAPEN. Mr. Torricelli.

Mr. TORRICELLI. Aye.

Mr. KAPEN. Mr. Menendez.

Mr. MENENDEZ. Aye.

Mr. KAPEN. Mr. Wynn.

Mr. WYNN. Present.

Mr. KAPEN. Mr. Lantos.

[No response.]

Mr. BURTON. The staff will report the totals on the vote?

Mr. KAPEN. Mr. Martinez.

[No response.]

Mr. KAPEN. Six voting aye, one voting present, none voting nay.

Mr. BURTON. The amendment is agreed to, and now the Chair will recognize Ms. Ros-Lehtinen to offer a motion.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

I move that the subcommittee report H.R. 927, as amended, to the Committee on International Relations with the recommendation that the bill as amended be favorably reported to the Full House.

Mr. BURTON. The question is on the motion. On this motion I ask that we have a roll call vote.

All those in favor will signify by saying aye, and those opposed will say no. The staff will call the role.

Mr. KAPEN. Mr. Burton.

Mr. BURTON. Aye.

Mr. KAPEN. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Aye.

Mr. KAPEN. Mr. Ballenger.

Mr. BALLENGER. Aye.

Mr. KAPEN. Mr. Smith.

[No response.]

Mr. BURTON. Mr. Gallegly.

Mr. GALLEGLY. Aye.

Mr. KAPEN. Mr. King.

Mr. KING. Aye.

Mr. KAPEN. Mr. Torricelli.

Mr. TORRICELLI. Aye.

Mr. KAPEN. Mr. Menendez.

Mr. MENENDEZ. Aye.

Mr. KAPEN. Mr. Wynn.

Mr. WYNN. Present.

Mr. KAPEN. Mr. Lantos.

[No response.]

Mr. KAPEN. Mr. Martinez.

[No response.]

Mr. BURTON. The staff will report the tally.

Mr. KAPEN. Seven vote aye, one voting present, none voting no.

Mr. BURTON. That being the case the bill is passed. We will be reporting this bill to the full committee, and we will be taking action on it in the very near future.

This meeting stands adjourned.

[Whereupon, at 3:30 p.m, the subcommittee was adjourned.]



# APPENDIX

---

## AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 927 OFFERED BY MR. BURTON

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Cuban Liberty and Democratic Solidarity (LIBERTAD)  
4 Act of 1995”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.

### TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

- Sec. 101. Statement of policy.
- Sec. 102. Enforcement of the economic embargo of Cuba.
- Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
- Sec. 104. United States opposition to Cuban membership in international financial institutions.
- Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.
- Sec. 106. Assistance by the independent states of the former Soviet Union of the Government of Cuba.
- Sec. 107. Television broadcasting to Cuba.
- Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.
- Sec. 109. Importation sanction against certain Cuban trading partners.
- Sec. 110. Authorization of support for democratic and human rights groups and international observers.

### TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

- Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
- Sec. 202. Authorization of assistance for the Cuban people.

- Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.  
Sec. 204. Authorization of appropriations.  
Sec. 205. Termination of the economic embargo of Cuba.  
Sec. 206. Requirements for a transition government.  
Sec. 207. Requirements for a democratically elected government.

TITLE III—PROTECTION OF AMERICAN PROPERTY RIGHTS  
ABROAD

- Sec. 301. Exclusion from the United States of aliens who have confiscated property of United States nationals.  
Sec. 302. Liability for trafficking in property confiscated from United States nationals.  
Sec. 303. Claims to confiscated property.  
Sec. 304. Amendment of the Internal Revenue Code of 1986.

1 SEC. 2. FINDINGS.

2 The Congress makes the following findings:

3 (1) The economy of Cuba has experienced a de-  
4 cline of at least 60 percent in the last 5 years as a  
5 result of—

6 (A) the end of its subsidization by the  
7 former Soviet Union of between 5 billion and 6  
8 billion dollars annually;

9 (B) 36 years of Communist tyranny and  
10 economic mismanagement by the Castro govern-  
11 ment;

12 (C) the extreme decline in trade between  
13 Cuba and the countries of the former Soviet  
14 bloc; and

15 (D) the policy of the Russian Government  
16 and the countries of the former Soviet bloc to  
17 conduct economic relations with Cuba on strict-  
18 ly commercial terms.

1           (2) At the same time, the welfare and health of  
2           the Cuban people have substantially deteriorated as  
3           a result of this economic decline and the refusal of  
4           the Castro regime to permit free and fair democratic  
5           elections in Cuba.

6           (3) The Castro regime has made it abundantly  
7           clear that it will not engage in any substantive polit-  
8           ical reforms that would lead to democracy, a market  
9           economy, or an economic recovery.

10           (4) The repression of the Cuban people, includ-  
11           ing a ban on free and fair democratic elections, and  
12           continuing violation of fundamental human rights  
13           has isolated the Cuban regime as the only completely  
14           nondemocratic government in the Western Hemi-  
15           sphere.

16           (5) As long as free elections are not held in  
17           Cuba, the economic condition of the country and the  
18           welfare of the Cuban people will not improve in any  
19           significant way.

20           (6) The totalitarian nature of the Castro regime  
21           has deprived the Cuban people of any peaceful  
22           means to improve their condition and has led thou-  
23           sands of Cuban citizens to risk or lose their lives in  
24           dangerous attempts to escape from Cuba to freedom.

1           (7) Radio Marti and Television Marti have both  
2       been effective vehicles for providing the people of  
3       Cuba with news and information and have helped to  
4       bolster the morale of the people of Cuba living under  
5       tyranny.

6           (8) The consistent policy of the United States  
7       towards Cuba since the beginning of the Castro re-  
8       gime, carried out by both Democratic and Repub-  
9       lican administrations, has sought to keep faith with  
10      the people of Cuba, and has been effective in sanc-  
11     tioning the totalitarian Castro regime.

12          (9) The United States has shown a deep com-  
13      mitment, and considers it a moral obligation, to pro-  
14      mote and protect human rights and fundamental  
15      freedoms as expressed in the Charter of the United  
16      Nations and in the Universal Declaration of Human  
17      Rights.

18          (10) The Congress has historically and consist-  
19      ently manifested its solidarity and the solidarity of  
20      the American people with the democratic aspirations  
21      of the Cuban people.

22          (11) The Cuban Democracy Act of 1992 calls  
23      upon the President to encourage the governments of  
24      countries that conduct trade with Cuba to restrict

1        their trade and credit relations with Cuba in a man-  
2        ner consistent with the purposes of that Act.

3            (12) The 1992 FREEDOM Support Act re-  
4        quires that the President, in providing economic as-  
5        sistance to Russia and the emerging Eurasian de-  
6        mocracies, take into account the extent to which  
7        they are acting to “terminate support for the com-  
8        munist regime in Cuba, including removal of troops,  
9        closing military facilities, and ceasing trade subsidies  
10       and economic, nuclear, and other assistance”.

11           (13) The Government of Cuba engages in the  
12       illegal international narcotics trade and harbors fu-  
13       gitives from justice in the United States.

14           (14) The Castro government threatens inter-  
15       national peace and security by engaging in acts of  
16       armed subversion and terrorism such as the training  
17       and supplying of groups dedicated to international  
18       violence.

19           (15) The Castro government has utilized from  
20       its inception and continues to utilize torture in var-  
21       ious forms (including by psychiatry), as well as exe-  
22       cution, exile, confiscation, political imprisonment,  
23       and other forms of terror and repression, as means  
24       of retaining power.

1           (16) Fidel Castro has defined democratic plu-  
2           ralism as "pluralistic garbage" and continues to  
3           make clear that he has no intention of tolerating the  
4           democratization of Cuban society.

5           (17) The Castro government holds innocent Cu-  
6           bans hostage in Cuba by no fault of the hostages  
7           themselves solely because relatives have escaped the  
8           country.

9           (18) Although a signatory state to the 1928  
10          Inter-American Convention on Asylum and the  
11          International Covenant on Civil and Political Rights  
12          (which protects the right to leave one's own coun-  
13          try), Cuba nevertheless surrounds embassies in its  
14          capital by armed forces to thwart the right of its  
15          citizens to seek asylum and systematically denies  
16          that right to the Cuban people, punishing them by  
17          imprisonment for seeking to leave the country and  
18          killing them for attempting to do so (as dem-  
19          onstrated in the case of the confirmed murder of  
20          over 40 men, women, and children who were seeking  
21          to leave Cuba on July 13, 1994).

22          (19) The Castro government continues to utilize  
23          blackmail, such as the immigration crisis with which  
24          it threatened the United States in the summer of  
25          1994, and other unacceptable and illegal forms of

1       conduct to influence the actions of sovereign states  
2       in the Western Hemisphere in violation of the Char-  
3       ter of the Organization of American States and  
4       other international agreements and international  
5       law.

6               (20) The United Nations Commission on  
7       Human Rights has repeatedly reported on the unac-  
8       ceptable human rights situation in Cuba and has  
9       taken the extraordinary step of appointing a Special  
10       Rapporteur.

11              (21) The Government of Cuba has consistently  
12       refused access to the Special Rapporteur and for-  
13       mally expressed its decision not to “implement so  
14       much as one comma” of the United Nations Reso-  
15       lutions appointing the Rapporteur.

16              (22) The United Nations General Assembly  
17       passed Resolution 1992/70 on December 4, 1992,  
18       Resolution 1993/48/142 on December 20, 1993, and  
19       Resolution 1994/49/544 on October 19, 1994, ref-  
20       erencing the Special Rapporteur’s reports to the  
21       United Nations and condemning “violations of  
22       human rights and fundamental freedoms” in Cuba.

23              (23) Article 39 of Chapter VII of the United  
24       Nations Charter provides that the United Nations  
25       Security Council “shall determine the existence of

1 any threat to the peace, breach of the peace, or act  
2 of aggression and shall make recommendations, or  
3 decide what measures shall be taken . . . , to main-  
4 tain or restore international peace and security.”.

5 (24) The United Nations has determined that  
6 massive and systematic violations of human rights  
7 may constitute a “threat to peace” under Article 39  
8 and has imposed sanctions due to such violations of  
9 human rights in the cases of Rhodesia, South Africa,  
10 Iraq, and the former Yugoslavia.

11 (25) In the case of Haiti, a neighbor of Cuba  
12 not as close to the United States as Cuba, the  
13 United States led an effort to obtain and did obtain  
14 a United Nations Security Council embargo and  
15 blockade against that country due to the existence of  
16 a military dictatorship in power less than 3 years.

17 (26) United Nations Security Council Resolu-  
18 tion 940 of July 31, 1994, subsequently authorized  
19 the use of “all necessary means” to restore the  
20 “democratically elected government of Haiti”, and  
21 the democratically elected government of Haiti was  
22 restored to power on October 15, 1994.

23 (27) The Cuban people deserve to be assisted in  
24 a decisive manner to end the tyranny that has op-  
25 pressed them for 36 years and the continued failure



1 to do so constitutes ethically improper conduct by  
2 the international community.

3 (28) For the past 36 years, the Cuban govern-  
4 ment has posed and continues to pose a national se-  
5 curity threat against the United States.

6 SEC. 3. PURPOSES.

7 The purposes of this Act are as follows:

8 (1) To assist the Cuban people in regaining  
9 their freedom and prosperity, as well as in joining  
10 the communities of democracies that are flourishing  
11 in the Western Hemisphere.

12 (2) To seek international sanctions against the  
13 Castro government in Cuba.

14 (3) To encourage the holding of free and fair,  
15 democratic elections in Cuba, conducted under the  
16 supervision of internationally recognized observers.

17 (4) To develop a plan for furnishing assistance  
18 to a transition government and, subsequently, to a  
19 democratically elected government when such gov-  
20 ernments meet the eligibility requirements of this  
21 Act.

22 (5) To protect property rights abroad of United  
23 States nationals.

## 1 SEC. 4. DEFINITIONS.

2 As used in this Act, the following terms have the fol-  
3 lowing meanings:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means the Committee on International Re-  
7 lations and the Committee on Appropriations of the  
8 House of Representatives and the Committee on  
9 Foreign Relations and the Committee on Appropria-  
10 tions of the Senate.

11 (2) CONFISCATED.—The term “confiscated” re-  
12 fers to the nationalization, expropriation, or other  
13 seizure of ownership or control of property by gov-  
14 ernmental authority—

15 (A) without adequate and effective com-  
16 pensation or otherwise in violation of the law of  
17 the place where the property was situated when  
18 the confiscation occurred; and

19 (B) without the claim to the property hav-  
20 ing been settled pursuant to an international  
21 claims settlement agreement.

22 (3) CUBAN GOVERNMENT.—The term “Cuban  
23 government” includes the government of any politi-  
24 cal subdivision, agency, or instrumentality of the  
25 Government of Cuba.

1           (4) DEMOCRATICALLY ELECTED GOVERNMENT  
2           IN CUBA.—The term “democratically elected govern-  
3           ment in Cuba” means a government described in  
4           section 207.

5           (5) ECONOMIC EMBARGO OF CUBA.—The term  
6           “economic embargo of Cuba” refers to the economic  
7           embargo imposed against Cuba pursuant to section  
8           620(a) of the Foreign Assistance Act of 1961 (22  
9           U.S.C. 2370(a)), section 5(b) of the Trading With  
10          the Enemy Act (50 U.S.C. App. 5(b)), the Inter-  
11          national Emergency Economic Powers Act, and the  
12          Export Administration Act of 1979.

13          (6) PROPERTY.—The term “property” means—

14                 (A) any property, right, or interest, includ-  
15                 ing any leasehold interest,

16                 (B) debts owed by a foreign government or  
17                 by any enterprise which has been confiscated by  
18                 a foreign government; and

19                 (C) debts which are a charge on property  
20                 confiscated by a foreign government.

21          (7) TRAFFICS.—(A) The term “traffics” means  
22          to sell, transfer, distribute, dispense, or otherwise  
23          dispose of property, or to purchase, receive, possess,  
24          obtain control of, manage, or use property.

1           (B) The term “traffics” does not include the  
2       delivery of international telecommunication signals  
3       to Cuba that are authorized in the Cuban Democ-  
4       racy Act of 1992.

5           (8) TRANSITION GOVERNMENT IN CUBA.—The  
6       term “transition government in Cuba” means a gov-  
7       ernment described in section 206.

8           (9) UNITED STATES PERSON.—The term  
9       “United States person” means (A) any United  
10      States citizen, and (B) any corporation, trust, part-  
11      nership, or other juridical entity 50 percent or more  
12      beneficially owned by United States citizens.

## 13 **TITLE I—SEEKING SANCTIONS** 14 **AGAINST THE CASTRO GOV-** 15 **ERNMENT**

### 16 **SEC. 101. STATEMENT OF POLICY.**

17       It is the sense of the Congress that—

18           (1) the acts of the Castro government, includ-  
19      ing its massive, systematic, and extraordinary viola-  
20      tions of human rights, are a threat to international  
21      peace;

22           (2) the President should advocate, and should  
23      instruct the United States Permanent Representa-  
24      tive to the United Nations to propose and seek,  
25      within the Security Council, a mandatory inter-

1 national embargo against the totalitarian govern-  
2 ment of Cuba pursuant to chapter VII of the Char-  
3 ter of the United Nations, which is similar to meas-  
4 ures taken by United States representatives with re-  
5 spect to Haiti; and

6 (3) any resumption or commencement of efforts  
7 by any state to make operational the nuclear facility  
8 at Cienfuegos, Cuba, will have a detrimental impact  
9 on United States assistance to and relations with  
10 such state.

11 **SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF**  
12 **CUBA.**

13 (a) **POLICY.**—(1) The Congress hereby reaffirms sec-  
14 tion 1704(a) of the Cuban Democracy Act of 1992 that  
15 states the President should encourage foreign countries to  
16 restrict trade and credit relations with Cuba.

17 (2) The Congress further urges the President to take  
18 immediate steps to apply the sanctions described in section  
19 1704(b) of such Act against countries assisting Cuba.

20 (b) **DIPLOMATIC EFFORTS.**—The Secretary of State  
21 shall ensure that United States diplomatic personnel  
22 abroad understand and, in their contacts with foreign offi-  
23 cials are—

24 (1) communicating the reasons for the United  
25 States economic embargo of Cuba; and

1           (2) urging foreign governments to cooperate  
2 more effectively with the embargo.

3           (c) EXISTING REGULATIONS.—The President should  
4 instruct the Secretary of the Treasury and the Attorney  
5 General to enforce fully the Cuban Assets Control Regula-  
6 tions in part 515 of title 31, Code of Federal Regulations.

7           (d) TRADING WITH THE ENEMY ACT.—Subsection  
8 (b) of section 16 of the Trading With the Enemy Act (50  
9 U.S.C. App. 16(b)) is amended to read as follows:

10           “(b)(1) A civil penalty of not to exceed \$50,000 may  
11 be imposed by the Secretary of the Treasury on any per-  
12 son who violates any license, order, rule, or regulation is-  
13 sued in compliance with the provisions of this Act.

14           “(2) Any property, funds, securities, papers, or other  
15 articles or documents, or any vessel, together with its tack-  
16 le, apparel, furniture, and equipment, that is the subject  
17 of a violation under paragraph (1) shall, at the discretion  
18 of the Secretary of the Treasury, be forfeited to the United  
19 States Government.

20           “(3) Judicial review of any penalty imposed under  
21 this subsection may be had to the extent provided in sec-  
22 tion 702 of title 5, United States Code.”.

1 SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF  
2 THE CASTRO DICTATORSHIP.

3 (a) PROHIBITION.—Notwithstanding any other provi-  
4 sion of law, no loan, credit, or other financing may be ex-  
5 tended knowingly by a United States person or by a Unit-  
6 ed States agency to a foreign person to finance trans-  
7 actions involving any property confiscated by the Cuban  
8 government the claim to which is owned by a United  
9 States person as of the date of enactment of this Act.

10 (b) TERMINATION OF PROHIBITION.—The prohibi-  
11 tion of subsection (a) shall cease to apply on the date of  
12 termination of the economic embargo of Cuba.

13 (c) PENALTIES.—Violations of subsection (a) shall be  
14 punishable by the same penalties as are applicable to simi-  
15 lar violations of the Cuban Assets Control Regulations in  
16 part 515 of title 31, Code of Federal Regulations.

17 (d) DEFINITIONS.—As used in this section—

18 (1) the term “foreign person” means (A) an  
19 alien, and (B) any corporation, trust, partnership, or  
20 other juridical entity that is not 50 percent or more  
21 beneficially owned by United States citizens; and

22 (2) the term “United States agency” has the  
23 same meaning given to the term “agency” in section  
24 551(1) of title 5, United States Code.

1 SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBER-  
2 SHIP IN INTERNATIONAL FINANCIAL INSTI-  
3 TUTIONS.

4 (a) CONTINUED OPPOSITION TO CUBAN MEMBER-  
5 SHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1)  
6 Except as provided in paragraph (2), the Secretary of the  
7 Treasury shall instruct the United States executive direc-  
8 tor to each international financial institution to use the  
9 voice and vote of the United States to oppose the admis-  
10 sion of Cuba as a member of such institution until Cuba  
11 holds free and fair, democratic elections, conducted under  
12 the supervision of internationally recognized observers.

13 (2) During the period that a transition government  
14 is in power in Cuba, the President shall take steps to sup-  
15 port the processing of Cuba's application for membership  
16 in any international financial institution subject to the  
17 membership taking effect after a democratically elected  
18 government is in power in Cuba.

19 (b) REDUCTION IN UNITED STATES PAYMENTS TO  
20 INTERNATIONAL FINANCIAL INSTITUTIONS.—If any  
21 international financial institution approves a loan or other  
22 assistance to Cuba over the opposition of the United  
23 States, then the Secretary of the Treasury shall withhold  
24 from payment to such institution an amount equal to the  
25 amount of the loan or other assistance to the Cuban gov-



1 ernment, with respect to each of the following types of  
2 payment:

3           (1) The paid-in portion of the increase in cap-  
4           ital stock of the institution.

5           (2) The callable portion of the increase in cap-  
6           ital stock of the institution.

7           (c) DEFINITION.—For purposes of this section, the  
8 term “international financial institution” means the Inter-  
9 national Monetary Fund, the International Bank for Re-  
10 construction and Development, the International Develop-  
11 ment Association, the International Finance Corporation,  
12 the Multilateral Investment Guaranty Agency, and the  
13 Inter-American Development Bank.

14 SEC. 105. UNITED STATES OPPOSITION TO ENDING THE  
15           SUSPENSION OF THE GOVERNMENT OF CUBA  
16           FROM THE ORGANIZATION OF AMERICAN  
17           STATES.

18           The President should instruct the United States Per-  
19 manent Representative to the Organization of American  
20 States to vote against ending the suspension of the Gov-  
21 ernment of Cuba from the Organization until the Presi-  
22 dent determines under section 203(c)(3) that a democrat-  
23 ically elected government in Cuba is in power.

1 SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF  
2 THE FORMER SOVIET UNION OF THE GOV-  
3 ERNMENT OF CUBA.

4 (a) REPORTING REQUIREMENT.—Not later than 90  
5 days after the date of enactment of this Act, the President  
6 shall submit to the appropriate congressional committees  
7 a report detailing progress towards the withdrawal of per-  
8 sonnel of any independent state of the former Soviet  
9 Union (within the meaning of section 3 of the FREEDOM  
10 Support Act (22 U.S.C. 5801)), including advisers, techni-  
11 cians, and military personnel, from the Cienfuegos nuclear  
12 facility in Cuba.

13 (b) CRITERIA FOR ASSISTANCE.—Section  
14 498A(a)(11) of the Foreign Assistance Act of 1961 (22  
15 U.S.C. 2295a(a)(1)) is amended by striking “of military  
16 facilities” and inserting “military and intelligence facili-  
17 ties, including the military and intelligence facilities at  
18 Lourdes and Cienfuegos,”.

19 (c) INELIGIBILITY FOR ASSISTANCE.—(1) Section  
20 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

21 (A) by striking “or” at the end of paragraph

22 (4);

23 (B) by redesignating paragraph (5) as para-  
24 graph (6); and

25 (C) by inserting after paragraph (4) the follow-  
26 ing:

1           “(5) for the government of any independent  
 2 state effective 30 days after the President has deter-  
 3 mined and certified to the appropriate congressional  
 4 committees (and Congress has not enacted legisla-  
 5 tion disapproving the determination within the 30-  
 6 day period) that such government is providing as-  
 7 sistance for, or engaging in nonmarket based trade  
 8 (as defined in section 498B(k)(3)) with, the Govern-  
 9 ment of Cuba; or”.

10           (2) Subsection (k) of section 498B of that Act (22  
 11 U.S.C. 2295b(k)), is amended by adding at the end the  
 12 following:

13           “(3) NONMARKET BASED TRADE.—As used in  
 14 section 498A(b)(5), the term ‘nonmarket based  
 15 trade’ includes exports, imports, exchanges, or other  
 16 arrangements that are provided for goods and serv-  
 17 ices (including oil and other petroleum products) on  
 18 terms more favorable than those generally available  
 19 in applicable markets or for comparable commod-  
 20 ities, including—

21           “(A) exports to the Government of Cuba  
 22 on terms that involve a grant, concessional  
 23 price, guaranty, insurance, or subsidy;

24           “(B) imports from the Government of  
 25 Cuba at preferential tariff rates; and

1           “(C) exchange arrangements that include  
2           advance delivery of commodities, arrangements  
3           in which the Government of Cuba is not held  
4           accountable for unfulfilled exchange contracts,  
5           and arrangements under which Cuba does not  
6           pay appropriate transportation, insurance, or fi-  
7           nance costs.”.

8           (d) FACILITIES AT LOURDES, CUBA.—(1) The Con-  
9           gress expresses its strong disapproval of the extension by  
10          Russia of credits equivalent to approximately  
11          \$200,000,000 in support of the intelligence facility at  
12          Lourdes, Cuba, in November 1994.

13          (2) Section 498A of the Foreign Assistance Act of  
14          1961 (22 U.S.C. 2295a) is amended by adding at the end  
15          the following new subsection:

16          “(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF  
17          MILITARY AND INTELLIGENCE FACILITIES IN CUBA.—(1)  
18          Notwithstanding any other provision of law, the President  
19          shall withhold from assistance allocated for an independ-  
20          ent state of the former Soviet Union under this chapter  
21          an amount equal to the sum of assistance and credits, if  
22          any, provided by such state in support of military and in-  
23          telligence facilities in Cuba, including the intelligence facil-  
24          ity at Lourdes, Cuba.

1       “(2) Nothing in this subsection may be construed to  
2 apply to—

3           “(A) assistance provided under the Soviet Nu-  
4 clear Threat Reduction Act of 1991 (title II of Pub-  
5 lic Law 102-228) or the Cooperative Threat Reduc-  
6 tion Act of 1993 (title XII of Public Law 103-160);  
7 or

8           “(B) assistance to meet urgent humanitarian  
9 needs under section 498(1), including disaster as-  
10 sistance described in subsection (c)(3) of this sec-  
11 tion.”.

12 **SEC. 107. TELEVISION BROADCASTING TO CUBA.**

13       (a) **CONVERSION TO UHF.**—The Director of the  
14 United States Information Agency shall implement a con-  
15 version of television broadcasting to Cuba under the Tele-  
16 vision Marti Service to ultra high frequency (UHF) broad-  
17 casting.

18       (b) **PERIODIC REPORTS.**—Not later than 45 days  
19 after the date of enactment of this Act, and every three  
20 months thereafter until the conversion described in sub-  
21 section (a) is fully implemented, the Director shall submit  
22 a report to the appropriate congressional committees on  
23 the progress made in carrying out subsection (a).

1 SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RE-  
2 CEIVED BY CUBA FROM OTHER FOREIGN  
3 COUNTRIES.

4 (a) REPORTS REQUIRED.—Not later than 90 days  
5 after the date of enactment of this Act, and every year  
6 thereafter, the President shall submit a report to the ap-  
7 propriate congressional committees on assistance and  
8 commerce received by Cuba from other foreign countries  
9 during the preceding 12-month period.

10 (b) CONTENTS OF REPORTS.—Each report required  
11 by subsection (a) shall, for the period covered by the re-  
12 port, contain the following:

13 (1) A description of all bilateral assistance pro-  
14 vided to Cuba by other foreign countries, including  
15 humanitarian assistance.

16 (2) A description of Cuba's commerce with for-  
17 eign countries, including an identification of Cuba's  
18 trading partners and the extent of such trade.

19 (3) A description of the joint ventures com-  
20 pleted, or under consideration, by foreign nationals  
21 and business firms involving facilities in Cuba, in-  
22 cluding an identification of the location of the facili-  
23 ties involved and a description of the terms of agree-  
24 ment of the joint ventures and the names of the par-  
25 ties that are involved.

1           (4) A determination whether or not any of the  
2 facilities described in paragraph (3) is the subject of  
3 a claim against Cuba by a United States person.

4           (5) A determination of the amount of Cuban  
5 debt owed to each foreign country, including the  
6 amount of debt exchanged, forgiven, or reduced  
7 under the terms of each investment or operation in  
8 Cuba involving foreign nationals or businesses.

9           (6) A description of the steps taken to assure  
10 that raw materials and semifinished or finished  
11 goods produced by facilities in Cuba involving for-  
12 eign nationals or businesses do not enter the United  
13 States market, either directly or through third coun-  
14 tries or parties.

15 **SEC. 109. IMPORTATION SANCTION AGAINST CERTAIN**  
16 **CUBAN TRADING PARTNERS.**

17       (a) **SANCTION.**—Notwithstanding any other provision  
18 of law, sugars, syrups, molasses, and products with sugar  
19 content in excess of 35 percent, that are the product of  
20 a country that the President determines has imported  
21 sugar, syrup, or molasses that is the product of Cuba,  
22 shall not be entered, or withdrawn from warehouse for  
23 consumption, into the customs territory of the United  
24 States, unless the condition set forth in subsection (b) is  
25 met.

1       (b) CONDITION FOR REMOVAL OF SANCTION.—The  
2 sanction set forth in subsection (a) shall cease to apply  
3 to a country if the country certifies to the President that  
4 the country will not import sugar, syrup, or molasses that  
5 is the product of Cuba until free and fair elections, con-  
6 ducted under the supervision of internationally recognized  
7 observers, are held in Cuba. Such certification shall cease  
8 to be effective if the President makes a subsequent deter-  
9 mination under subsection (a) with respect to that coun-  
10 try.

11       (c) REPORTS TO CONGRESS.—The President shall re-  
12 port to the appropriate congressional committees all deter-  
13 minations made under subsection (a) and all certifications  
14 made under subsection (b).

15       (d) REALLOCATION OF SUGAR QUOTAS.—During any  
16 period in which a sanction under subsection (a) is in effect  
17 with respect to a country, the President may reallocate  
18 to other countries the quota of sugars, syrups, and molas-  
19 ses allocated to that country, before the prohibition went  
20 into effect, under chapter 17 of the Harmonized Tariff  
21 Schedule of the United States.



1 **SEC. 110. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC**  
2 **AND HUMAN RIGHTS GROUPS AND INTER-**  
3 **NATIONAL OBSERVERS.**

4 The President is authorized to make available ade-  
5 quate support for democracy-building efforts for Cuba, in-  
6 cluding the following:

7 (1) Published and informational matter, such as  
8 books, videos, and cassettes, on transitions to de-  
9 mocracy, human rights, and market economies to be  
10 made available to independent democratic groups in  
11 Cuba.

12 (2) Humanitarian assistance to victims of polit-  
13 ical repression and their families.

14 (3) Support for democratic and human rights  
15 groups in Cuba.

16 (4) Support for visits and permanent deploy-  
17 ment of independent international human rights  
18 monitors in Cuba.

19 **TITLE II—ASSISTANCE TO A**  
20 **FREE AND INDEPENDENT CUBA**

21 **SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT**  
22 **AND A DEMOCRATICALLY ELECTED GOVERN-**  
23 **MENT IN CUBA.**

24 The policy of the United States is as follows:

25 (1) To support the self-determination of the  
26 Cuban people.

1           (2) To recognize that the self-determination of  
2           the Cuban people is a sovereign and national right  
3           of the citizens of Cuba which must be exercised free  
4           of interference by the government of any other coun-  
5           try.

6           (3) To encourage the Cuban people to empower  
7           themselves with a government which reflects the self-  
8           determination of the Cuban people.

9           (4) To recognize the potential for a difficult  
10          transition from the current regime in Cuba that may  
11          result from the initiatives taken by the Cuban people  
12          for self-determination in response to the intran-  
13          sistence of the Castro regime in not allowing any  
14          substantive political or economic reforms, and to be  
15          prepared to provide the Cuban people with humani-  
16          tarian, developmental, and other economic assist-  
17          ance.

18          (5) In solidarity with the Cuban people, to pro-  
19          vide emergency relief assistance to a transition gov-  
20          ernment in Cuba and support to a democratically  
21          elected government in Cuba that result from an ex-  
22          pression of the self-determination of the Cuban peo-  
23          ple.

24          (6) Through such assistance, to facilitate a  
25          peaceful transition to representative democracy and

1 a market economy in Cuba and to consolidate de-  
2 mocracy in Cuba.

3 (7) To deliver such assistance to the Cuban  
4 people only through a transition government in  
5 Cuba, through a democratically elected government  
6 in Cuba, or through United States, international, or  
7 indigenous nongovernmental organizations.

8 (8) To encourage other countries and multilat-  
9 eral organizations to provide similar assistance, and  
10 to work cooperatively with such countries and orga-  
11 nizations to coordinate such assistance.

12 (9) To ensure that emergency relief is rapidly  
13 implemented and distributed to the people of Cuba  
14 upon the institution of a transition government in  
15 Cuba.

16 (10) Not to provide favorable treatment or in-  
17 fluence on behalf of any individual or entity in the  
18 selection by the Cuban people of their future govern-  
19 ment.

20 (11) To assist a transition government in Cuba  
21 and a democratically elected government in Cuba to  
22 prepare the Cuban military forces for an appropriate  
23 role in a democracy.

24 (12) To be prepared to enter into negotiations  
25 with a democratically elected government in Cuba ei-

1       ther to return the United States Naval Base at  
2       Guantanamo to Cuba or to renegotiate the present  
3       agreement under mutually agreeable terms.

4           (13) To consider the restoration of diplomatic  
5       recognition and support the reintegration of the  
6       Cuban government into Inter-American organiza-  
7       tions when the President determines that there ex-  
8       ists a democratically elected government in Cuba.

9           (14) To take steps to remove the economic em-  
10      bargo of Cuba when the President determines that  
11      there exists a democratically elected government in  
12      Cuba.

13          (15) To assist a democratically elected govern-  
14      ment in Cuba to strengthen and stabilize its national  
15      currency.

16          (16) To pursue the extension of free trade ar-  
17      rangements to a free, democratic, and independent  
18      Cuba or to seek the creation of an economic commu-  
19      nity with a free, democratic, and independent Cuba.

20   SEC. 202. AUTHORIZATION OF ASSISTANCE FOR THE  
21                            CUBAN PEOPLE.

22      (a) AUTHORIZATION.—

23          (1) IN GENERAL.—The President shall develop  
24      a plan for providing economic assistance to Cuba at  
25      such time as the President determines that a transi-

1       tion government or a democratically elected govern-  
2       ment (as determined under section 203(c)) is in  
3       power in Cuba.

4               (2) EFFECT ON OTHER LAWS.—

5               (A) SUPERSEDING OTHER LAWS.—Subject  
6       to subparagraph (B), assistance may be pro-  
7       vided under this section notwithstanding any  
8       other provision of law.

9               (B) DETERMINATION REQUIRED REGARD-  
10       ING PROPERTY TAKEN FROM UNITED STATES  
11       PERSONS.—Subparagraph (A) shall not apply  
12       to section 620(a)(2) of the Foreign Assistance  
13       Act of 1961 (22 U.S.C. 2370(a)(2)).

14       (b) PLAN FOR ASSISTANCE.—

15               (1) DEVELOPMENT OF PLAN.—The President  
16       shall develop a plan for providing assistance under  
17       this section—

18               (A) to a transition government in Cuba;

19               and

20               (B) to a democratically elected government  
21       in Cuba.

22               (2) TYPES OF ASSISTANCE.—Assistance under  
23       the plan developed under paragraph (1) shall include  
24       the following:

1 (A) TRANSITION GOVERNMENT.—(i) Ex-  
2 cept as provided in clause (ii), assistance to a  
3 transition government in Cuba shall be limited  
4 to—

5 (I) such food, medicine, medical sup-  
6 plies and equipment, and assistance to  
7 meet emergency energy needs, as is nec-  
8 essary to meet the basic human needs of  
9 the Cuban people; and

10 (II) assistance described in subpara-  
11 graph (C).

12 (ii) Assistance to a transition government  
13 in Cuba may include assistance for activities  
14 comparable to those set forth in section 498 of  
15 the Foreign Assistance Act of 1961 (22 U.S.C.  
16 2295) (other than paragraph (9) of such sec-  
17 tion).

18 (iii) When a transition government in Cuba  
19 is in power, remittances by individuals to their  
20 relatives of cash or goods, as well as freedom to  
21 travel to visit them without any restrictions,  
22 shall be permitted.

23 (B) DEMOCRATICALLY ELECTED GOVERN-  
24 MENT.—Assistance to a democratically elected  
25 government in Cuba shall consist of additional

1 economic assistance, together with assistance  
2 described in subparagraph (C). Such economic  
3 assistance may include—

4 (i) assistance under chapter 1 of part  
5 I (relating to development assistance), and  
6 chapter 4 of part II (relating to the eco-  
7 nomic support fund), of the Foreign As-  
8 sistance Act of 1961;

9 (ii) assistance under the Agricultural  
10 Trade Development and Assistance Act of  
11 1954;

12 (iii) financing, guarantees, and other  
13 forms of assistance provided by the Ex-  
14 port-Import Bank of the United States;

15 (iv) financial support provided by the  
16 Overseas Private Investment Corporation  
17 for investment projects in Cuba;

18 (v) assistance provided by the Trade  
19 and Development Agency;

20 (vi) Peace Corps programs;

21 (vii) relief of Cuba's external debt;

22 and

23 (viii) other appropriate assistance to  
24 carry out the policy of section 201.





1                   (B) to work with such countries, institu-  
2                   tions, and organizations to coordinate all such  
3                   assistance programs.

4                   (2)(A) The President shall take the necessary  
5                   steps to encourage the Organization of American  
6                   States to create a special emergency fund for the ex-  
7                   plicit purpose of deploying human rights observers,  
8                   election support, and election observation in Cuba.

9                   (B) The President should instruct the United  
10                  States Permanent Representative to the Organiza-  
11                  tion of American States to encourage other member  
12                  states of the Organization to join in calling for the  
13                  Cuban Government to allow the immediate deploy-  
14                  ment of independent human rights monitors of the  
15                  Organization throughout Cuba and on-site visits to  
16                  Cuba by the Inter-American Commission on Human  
17                  Rights.

18                  (C) The President shall withhold from payment  
19                  to the Organization of American States not less than  
20                  \$5,000,000 of the arrearages of the United States to  
21                  the Organization of American States as of the date  
22                  of enactment of this Act until the Organization of  
23                  American States agrees to make available an equiva-  
24                  lent amount solely for the purposes of the special  
25                  fund.

1 (f) CARIBBEAN BASIN INITIATIVE.—The President  
2 shall determine, as part of the assistance plan developed  
3 under subsection (b), whether or not to designate Cuba  
4 as a beneficiary country under section 212 of the Carib-  
5 bean Basin Economic Recovery Act.

6 (2) Any designation of Cuba as a beneficiary country  
7 under section 212 of such Act may only be made after  
8 a democratically elected government is in power. Such des-  
9 ignation may be made notwithstanding any other provision  
10 of law.

11 (3) The table contained in section 212(b) of the Car-  
12ibbean Basin Economic Recovery Act (19 U.S.C. 2702(b))  
13 is amended by inserting “Cuba” between “Costa Rica”  
14 and “Dominica”.

15 (g) TRADE AGREEMENTS.—The President, upon  
16 transmittal to Congress of a determination under section  
17 203(c)(3) that a democratically elected government in  
18 Cuba is in power—

19 (1) shall take the necessary steps to enter into  
20 a preliminary agreement with such government in  
21 Cuba providing for extension of the North American  
22 Free Trade Agreement to a free and independent  
23 Cuba or to seek the creation of an economic commu-  
24 nity with a free, democratic, and independent Cuba;  
25 and

1           (2) is authorized to enter into negotiations with  
2           a democratic government in Cuba to provide for the  
3           extension of the North American Free Trade Agree-  
4           ment (NAFTA) to Cuba or to seek the creation of  
5           an economic community with a free, democratic, and  
6           independent Cuba and to take such other steps as  
7           will encourage renewed investment in Cuba.

8           (h) COMMUNICATION WITH THE CUBAN PEOPLE.—  
9           The President shall take the necessary steps to commu-  
10          nicate to the Cuban people the plan for assistance devel-  
11          oped under this section.

12          (i) REPORT TO CONGRESS.—Not later than 180 days  
13          after the date of the enactment of this Act, the President  
14          shall transmit to the appropriate congressional committees  
15          a report describing in detail the plan developed under this  
16          section.

17   SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IM-  
18                            PLEMENTATION AND REPORTS TO CON-  
19                            GRESS; REPROGRAMMING.

20          (a) COORDINATING OFFICIAL.—The President shall  
21          designate a coordinating official who shall be responsible  
22          for—

23                (1) implementing the strategy for distributing  
24                assistance under the plan developed under section  
25                202(b);

1           (2) ensuring the speedy and efficient distribu-  
2           tion of such assistance; and

3           (3) ensuring coordination among, and appropri-  
4           ate oversight by, the agencies of the United  
5           States that provide assistance under the plan, in-  
6           cluding resolving any disputes among such agencies.

7           (b) UNITED STATES-CUBA COUNCIL.—Upon making  
8           a determination under subsection (c)(3) that a democrat-  
9           ically elected government is in power in Cuba, the Presi-  
10          dent, after consultation with the coordinating official, shall  
11          designate a United States-Cuba council—

12           (1) to ensure coordination between the United  
13          States Government and the private sector in re-  
14          sponding to change in Cuba, and in promoting mar-  
15          ket-based development in Cuba; and

16           (2) to establish periodic meetings between rep-  
17          resentatives of the United States and Cuban private  
18          sectors for the purpose of facilitating bilateral trade.

19          (c) IMPLEMENTATION OF PLAN: REPORTS TO CON-  
20          GRESS.—

21           (1) IMPLEMENTATION WITH RESPECT TO TRAN-  
22          SITION GOVERNMENT.—Upon making a determina-  
23          tion that a transition government in Cuba is in  
24          power, the President shall transmit that determina-  
25          tion to the appropriate congressional committees and

1 shall, subject to the availability of appropriations,  
2 commence the delivery and distribution of assistance  
3 to such transition government under the plan devel-  
4 oped under section 202(b).

5 (2) REPORTS TO CONGRESS.—(A) The Presi-  
6 dent shall transmit to the appropriate congressional  
7 committees a report setting forth the strategy for  
8 providing assistance described in section 202(b)(2)  
9 (A) and (C) to the transition government in Cuba  
10 under the plan of assistance developed under section  
11 202(b), the types of such assistance, and the extent  
12 to which such assistance has been distributed in ac-  
13 cordance with the plan.

14 (B) The President shall transmit the report not  
15 later than 90 days after making the determination  
16 referred to in paragraph (1), except that the Presi-  
17 dent shall transmit the report in preliminary form  
18 not later than 15 days after making that determina-  
19 tion.

20 (3) IMPLEMENTATION WITH RESPECT TO  
21 DEMOCRATICALLY ELECTED GOVERNMENT.—The  
22 President shall, upon determining that a democrat-  
23 ically elected government in Cuba is in power, sub-  
24 mit that determination to the appropriate congress-  
25 sional committees and shall, subject to the availabil-

1       ity of appropriations, commence the delivery and dis-  
2       tribution of assistance to such democratically elected  
3       government under the plan developed under section  
4       202(b).

5           (4) ANNUAL REPORTS TO CONGRESS.—Not  
6       later than 60 days after the end of each fiscal year,  
7       the President shall transmit to the appropriate con-  
8       gressional committees a report on the assistance  
9       provided under the plan developed under section  
10      202(b), including a description of each type of as-  
11      sistance, the amounts expended for such assistance,  
12      and a description of the assistance to be provided  
13      under the plan in the current fiscal year.

14      (d) REPROGRAMMING.—Any changes in the assist-  
15      ance to be provided under the plan developed under sec-  
16      tion 202(b) may not be made unless the President notifies  
17      the appropriate congressional committees at least 15 days  
18      in advance in accordance with the procedures applicable  
19      to reprogramming notifications under section 634A of the  
20      Foreign Assistance Act of 1961.

21   SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

22       There are authorized to be appropriated to the Presi-  
23      dent such sums as may be necessary to carry out this Act.

1 SEC. 205. TERMINATION OF THE ECONOMIC EMBARGO OF  
2 CUBA.

3 (a) PRESIDENTIAL ACTIONS.—Upon submitting a de-  
4 termination to the appropriate congressional committees  
5 under section 203(c)(3) that a democratically elected gov-  
6 ernment in Cuba is in power, the President shall take  
7 steps to terminate the economic embargo of Cuba.

8 (b) CONFORMING AMENDMENTS.—On the date on  
9 which the President submits a determination under sec-  
10 tion 203(c)(3)—

11 (1) section 620(a) of the Foreign Assistance  
12 Act of 1961 (22 U.S.C. 2370(a)) is repealed;

13 (2) section 620(f) of the Foreign Assistance Act  
14 of 1961 (22 U.S.C. 2370(f)) is amended by striking  
15 “Republic of Cuba”; and

16 (3) the prohibitions on transactions described in  
17 part 515 of title 31, Code of Federal Regulations,  
18 shall cease to apply.

19 SEC. 206. REQUIREMENTS FOR A TRANSITION GOVERN-  
20 MENT.

21 For purposes of this Act, a transition government in  
22 Cuba is a government in Cuba which—

23 (1) is demonstrably in transition from com-  
24 munist totalitarian dictatorship to representative de-  
25 mocracy;

26 (2) has legalized all political activity;





1                   (ii) with the participation of multiple  
2 independent political parties that have full  
3 access to the media on an equal basis, in-  
4 cluding (in the case of radio, television, or  
5 other telecommunications media) in terms  
6 of allotments of time for such access and  
7 the times of day such allotments are given;  
8 and

9                   (iii) to be conducted under the super-  
10 vision of internationally recognized observ-  
11 ers, such as the Organization of American  
12 States, the United Nations, and other elec-  
13 tions monitors;

14                   (F) assuring the right to private property;

15                   (G) taking appropriate steps to return to  
16 United States citizens and entities property  
17 taken by the Government of Cuba from such  
18 citizens and entities on or after January 1,  
19 1959, or to provide equitable compensation to  
20 such citizens and entities for such property;

21                   (H) granting permits to privately owned  
22 telecommunications and media companies to op-  
23 erate in Cuba; and

1 (I) allowing the establishment of an inde-  
2 pendent labor movement and of independent so-  
3 cial, economic, and political associations;

4 (6) does not include Fidel Castro or Raul Cas-  
5 tro;

6 (7) has given adequate assurances that it will  
7 allow the speedy and efficient distribution of assist-  
8 ance to the Cuban people; and

9 (8) permits the deployment throughout Cuba of  
10 independent and unfettered international human  
11 rights monitors.

12 SEC. 207. REQUIREMENTS FOR A DEMOCRATICALLY ELECT-  
13 ED GOVERNMENT.

14 For purposes of this Act, a democratically elected  
15 government in Cuba, in addition to continuing to comply  
16 with the requirements of section 206, is a government in  
17 Cuba which—

18 (1) results from free and fair elections con-  
19 ducted under the supervision of internationally rec-  
20 ognized observers;

21 (2) has permitted opposition parties ample time  
22 to organize and campaign for such elections, and has  
23 permitted full access to the media to all candidates  
24 in the elections;

1           (3) is showing respect for the basic civil lib-  
2           erties and human rights of the citizens of Cuba;

3           (4) has made demonstrable progress in estab-  
4           lishing an independent judiciary;

5           (5) is substantially moving toward a market-ori-  
6           ented economic system;

7           (6) is committed to making constitutional  
8           changes that would ensure regular free and fair elec-  
9           tions that meet the requirements of paragraph (2);  
10          and

11          (7) has made demonstrable progress in return-  
12          ing to United States citizens (and entities which are  
13          50 percent or more beneficially owned by United  
14          States citizens) property taken by the Government  
15          of Cuba from such citizens and entities on or after  
16          January 1, 1959, or providing full compensation in  
17          accordance with international law standards and  
18          practice.

1 TITLE III—PROTECTION OF  
2 AMERICAN PROPERTY  
3 RIGHTS ABROAD

4 SEC. 301. EXCLUSION FROM THE UNITED STATES OF  
5 ALIENS WHO HAVE CONFISCATED PROPERTY  
6 OF UNITED STATES NATIONALS.

7 (a) ADDITIONAL GROUNDS FOR EXCLUSION.—Sec-  
8 tion 212(a)(9) of the Immigration and Nationality Act (8  
9 U.S.C. 1182(a)) is amended by adding at the end the fol-  
lowing:

“(D) ALIENS WHO HAVE CONFISCATED  
AMERICAN PROPERTY ABROAD AND RELATED  
PERSONS.—(i) Any alien who—

14 “(I) has confiscated, or has directed  
15 or overseen the confiscation of, property  
16 the claim to which is owned by a United  
17 States person, or converts or has converted  
18 for personal gain confiscated property, the  
19 claim to which is owned by a United States  
20 person:

21 “(II) traffics in confiscated property,  
22 the claim to which is owned by a United  
23 States person:

24 “(III) is a corporate officer, principal,  
25 or shareholder of an entity which has been

1 involved in the confiscation, trafficking in,  
2 or subsequent unauthorized use or benefit  
3 from confiscated property, the claim to  
4 which is owned by a United States person,  
5 or

6 “(IV) is a spouse or child, or depend-  
7 ent (as defined in section 152 of the Inter-  
8 nal Revenue Code of 1986) of a person de-  
9 scribed in subclause (I),

10 is excludable.

11 “(ii) The validity of claims under this sub-  
12 paragraph shall be established in accordance  
13 with section 303 of the Cuban Liberty and  
14 Democratic Solidarity (LIBERTAD) Act of  
15 1995.

16 “(iii) For purposes of this subparagraph,  
17 the terms ‘confiscated’, ‘property’, ‘traffics’,  
18 and ‘United States person’ have the same  
19 meanings given to such terms under section 4  
20 of the Cuban Liberty and Democratic Solidarity  
21 (LIBERTAD) Act of 1995.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall apply to individuals entering the Unit-  
24 ed States on or after the date of enactment of this Act.

1 SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CON-  
2 FISCATED FROM UNITED STATES NATIONALS.

3 (a) CIVIL REMEDY.—(1) Effective on the day after  
4 the date of enactment of this Act, and except as provided  
5 in paragraphs (2) and (3), any person or government that  
6 traffics in property confiscated by a foreign government  
7 shall be liable to the United States person who owns the  
8 confiscated property or claim thereto for money damages  
9 in an amount which is the greater of—

10 (A)(i) the amount certified by the Foreign  
11 Claims Settlement Commission under the Inter-  
12 national Claims Settlement Act of 1949;

13 (ii) interest at the commercially recognized nor-  
14 mal rate; and

15 (iii) reasonable attorneys' fees;

16 (B) the amount determined under section  
17 303(a)(2); or

18 (C) the fair market value of that property, cal-  
19 culated as being the then current value of the prop-  
20 erty, or the value of the property when confiscated  
21 plus interest at the commercially recognized normal  
22 rate, whichever is greater.

23 (2) Except as provided in paragraph (3), any person  
24 or government that traffics in confiscated property after  
25 having received (A) notice of a claim to ownership of the  
26 property by the United States person who owns the claim

1 to the confiscated property, and (B) a copy of this section,  
2 shall be liable to such United States person for money  
3 damages in an amount which is treble the amount speci-  
4 fied in paragraph (1), excluding attorney's fees.

5 (3)(A) Actions may be brought under paragraph (1)  
6 with respect to property confiscated before, on, or after  
7 the date of enactment of this Act.

8 (B) In the case of property confiscated before the  
9 date of enactment of this Act, no United States person  
10 may bring an action under this section unless such person  
11 acquired ownership of the claim to the confiscated prop-  
12 erty before such date.

13 (C) In the case of property confiscated on or after  
14 the date of enactment of this Act, in order to maintain  
15 the action, the United States person who is the plaintiff  
16 must demonstrate to the court that the plaintiff has taken  
17 reasonable steps to exhaust any available local remedies.

18 (b) JURISDICTION.—

19 (1) IN GENERAL.—Chapter 85 of title 28, Unit-  
20 ed States Code, is amended by inserting after sec-  
21 tion 1331 the following new section:

22 “§ 1331a. Civil actions involving confiscated property

23 “(a) The district courts shall have exclusive jurisdic-  
24 tion, without regard to the amount in controversy, of any

1 action brought under section 302 of the Cuban Liberty  
2 and Democratic Solidarity (LIBERTAD) Act of 1995.

3 “(b) Service of a summons or filing a waiver of serv-  
4 ice with respect to claims arising under section 302 of the  
5 Cuban Liberty and Democratic Solidarity (LIBERTAD)  
6 Act of 1995 is effective to establish jurisdiction over the  
7 person of a defendant if made in any district where a de-  
8 fendant resides or may be found.”.

9 (2) CONFORMING AMENDMENT.—The table of  
10 sections for chapter 85 of title 28, United States  
11 Code, is amended by inserting after the item relating  
12 to section 1331 the following:

“1331a. Civil actions involving confiscated property.”.

13 (c) WAIVER OF SOVEREIGN IMMUNITY.—Section  
14 1605(a) of title 28, United States Code, is amended—

15 (1) by striking “or” at the end of paragraph  
16 (5);

17 (2) by striking the period at the end of para-  
18 graph (6) and inserting “; or”; and

19 (3) by adding at the end the following:

20 “(7) in which the action is brought with respect  
21 to confiscated property under section 302 of the  
22 Cuban Liberty and Democratic Solidarity  
23 (LIBERTAD) Act of 1995.”.

24 (d) ADDITIONAL RIGHTS OF ACTION.—The right of  
25 action created in this section is in addition to any right



1 that may exist under the common law, Federal law, or  
2 the law of any of the several States, the District of Colum-  
3 bia, or any territory or possession of the United States,  
4 and nothing in this action shall act to adversely affect or  
5 derogate such other rights in any way.

6 **SEC. 303. CLAIMS TO CONFISCATED PROPERTY.**

7 (a) **EVIDENCE OF OWNERSHIP.**—For purposes of  
8 this Act, conclusive evidence of ownership by a United  
9 States person of a claim to confiscated property is estab-  
10 lished—

11 (1) when the Foreign Claims Settlement Com-  
12 mission certifies the claim under the International  
13 Claims Settlement Act of 1949, as amended by sub-  
14 section (b);

15 (2) when the claim has been determined to be  
16 valid by a court or administrative agency of the  
17 country in which the property was confiscated; or

18 (3) when the claim has been determined to be  
19 valid by a court or administrative agency of the  
20 United States.

21 (b) **AMENDMENT OF THE INTERNATIONAL CLAIMS**  
22 **SETTLEMENT ACT OF 1949.**—Title V of the International  
23 Claims Settlement Act of 1949 (22 U.S.C. 1643 and fol-  
24 lowing) is amended by adding at the end the following new  
25 section:

## 1 "ADDITIONAL CLAIMS

2 "SEC. 514. Notwithstanding any other provision of  
3 this title, a United States national may bring a claim to  
4 the Commission for determination and certification under  
5 this title of the amount and validity of a claim resulting  
6 from actions taken by the Government of Cuba described  
7 in section 503(a), whether or not the United States na-  
8 tional qualified as a United States national at the time  
9 of the Cuban government action, except that, in the case  
10 of property confiscated after the date of enactment of this  
11 section, the claimant must be a United States national at  
12 the time of the confiscation."

13 (c) CONFORMING AMENDMENT.—Section 510 of the  
14 International Claims Settlement Act of 1949 (22 U.S.C.  
15 1643) is amended by striking "The" and inserting "Ex-  
16 cept in the case of claims under section 514, the".

17 SEC. 304. AMENDMENT OF THE INTERNAL REVENUE CODE  
18 OF 1986.

19 Section 1351 of the Internal Revenue Code of 1986  
20 shall be amended as follows:

21 (1) The word "That" shall be deleted from the  
22 beginning of paragraph (1) of subsection (d) of sec-  
23 tion 1351 and the following language shall be added:  
24 "Except in cases of recovery of Cuban expropriation  
25 loss, that".

1           (2) A new paragraph (5) shall be added to sub-  
2           section (d) of section 1351, as follows: "Definition of  
3           Cuban Expropriation Loss.—For purposes of this  
4           section, the term "Cuban expropriation loss" means  
5           any loss sustained by reason of the expropriation,  
6           intervention, seizure or similar taking of property by  
7           the communist government of Cuba, any political  
8           subdivision thereof, or any agency or instrumentality  
9           of the foregoing."



AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 927  
OFFERED BY MR. TORRICELLI

Page 42, strike lines 1 through 3 and insert the following:

- 1                   (I) allowing the establishment of independ-
- 2                   ent trade unions as set forth in conventions 87
- 3                   and 98 of the International Labor Organiza-
- 4                   tion, and allowing the establishment of inde-
- 5                   pendent social, economic, and political associa-
- 6                   tions;

**AMENDMENT TO H.R. 927**  
**OFFERED BY MR. MENENDEZ**

Add the following at the end of section 102:

1           (e) VIOLATIONS UNDER THE TRADING WITH THE  
2 ENEMY ACT.—Subsection (b) of section 16 of the Trading  
3 With the Enemy Act (50 U.S.C. App. 16(b)), as amended  
4 by section 1710(c) of the Cuban Democracy Act of 1992,  
5 is amended—

6           (1) in paragraph (3)—

7                   (A) by striking “may not be” and inserting  
8           “may be”;

9                   (B) in subparagraph (A) by striking “; or”  
10           and inserting “, or”; and

11                   (C) in subparagraph (B) by striking “par-  
12           ticipants.” and inserting “participants,  
13 that are not licensed or otherwise authorized pursuant to  
14 this Act.”; and

15           (2) by striking paragraph (4) and redesignating  
16           paragraph (5) as paragraph (4).



ISBN 0-16-047342-X



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